



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Fifth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20660 of 2018

P. RASU

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ARAVAKURICHI POLICE STATION,
KARUR DISTRICT.

(IN CRIME NO. 363 OF 2013)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M. BOOPATHI PANDIYAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate

(Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

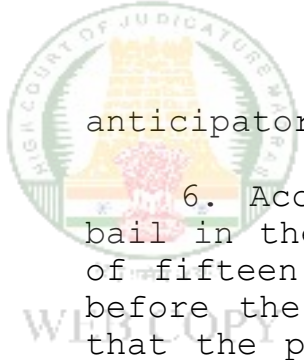
The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 408, 420, 468 and 471 of IPC in Cr.No.363 of 2013, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had misappropriated a sum of Rs.6,45,831/- in Sernthamangalam Panchayat by signing the Village President signature when he served as a Secretary in the said Panchayat. Hence, the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged offence and without providing opportunity, the defacto complainant i.e., Block Development Officer, Sernthamangalam Union came to the conclusion that the petitioner cheated the alleged amount.

4. The learned Government Advocate (criminal side) would submit that the public fund has been misappropriated by the petitioner and hence, custodial interrogation of the petitioner is necessary, thereby he objected to grant of anticipatory bail.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant



anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Karur on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30 am until further orders.

[c] the petitioner is directed to co-operate the investigation and to give his specimen signature and writing needed for investigation to be sent to the writing expert.

[d] If the petitioner did not co-operate the investigation the bail granted to the petitioner stands dismissed automatically.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/01/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO-II,
KARUR.2 THE CHIEF JUDICIAL MAGISTRATE,
KARUR.3 THE INSPECTOR OF POLICE
ARAVAKURICHI POLICE STATION, KARUR DISTRICT4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M. BOOPATHI PANDIYAN Advocate SR.No.1441

PS/JC/SAR-3/05.02.2019/3P/6C

ORDER

IN

CRL OP(MD) No.20660 of 2018

Date :25/01/2019